

REMARKS

Restriction requirement

In the Office Action of October 1, 2007 the Examiner asserts, in a restriction requirement, that the present application contains inventions or group of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. The Examiner asserts that the present application contains three inventions—Group I, claims 1-5, drawn to a method of preparing monoglyceride sulfonate of Formula 1; Group II, claims 6-9, drawn to a soap composition comprising monoglyceride sulfonate of Formula 1; and Group III, claims 10-13, drawn to a method of making a soap composition. The Applicant traverses this restriction for the following reasons.

1. The Applicant notes that the International Searching Authority (ISA) did not restrict the claims or require additional search fees. A copy of the International Preliminary Examination Report (IPER) is enclosed herewith.

2. Furthermore, the Applicant reminds that Examiner that 35 USC § 121 authorizes, but **does not require**, the USPTO to restrict an application to one invention if two or more independent and distinct inventions are claimed in one application. In view of the expense that would be imposed upon the Applicant by multiple patent applications and multiple patents, it is believed that restriction requirements should be issued only when absolutely necessary.

3. The Examiner is respectfully reminded of MPEP 803, which states that

"If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions."

In the case at issue, there is no serious burden in examining 13 claims, of which all belong to the same technological class and which have all been examined by the ISA.

4. The Applicant submits that the restriction requirement set forth in the Office Action of October 1, 2007 is improper. As such, reconsideration is respectfully requested and the Examiner

is respectfully requested to withdraw the restriction requirement. However, as required under 35 USC § 121, Applicant provisionally elects Group III, claims 10-13.

5. Additionally, Applicant expects the Examiner to use a consistent test with respect to what matters are obvious and what matters are unobvious throughout the prosecution of this application. Because the Examiner is adopting a particular standard for patentability in this case in terms of the election/restriction requirement, Applicants will expect that the same test be used throughout the prosecution of this application if the Examiner does not withdraw the election/restriction requirement made in the official action.

Conclusion

The traversal of the restriction requirement and the remarks regarding the traversal are being submitted without prejudice. In view of the above, allowance of the pending claims is respectfully solicited.

* * * * *

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this paper (and any Respectfully submitted,
enclosure referred to in this paper) is being
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Patent and Trademark Office on

December 3, 2007
(Date of Transmission)

Stacey Dawson
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/December 3, 2007/
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Enclosures: International Preliminary Examination Report by ISA (3 pages)
Petition under 37 CFR 1.136(a)

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 30 JUL 2004

WIPO

PCT

Applicant's or agent's file reference OPP030186KR	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/KR2003/000633	International filing date (day/month/year) 28 MARCH 2003 (28.03.2003)	Priority date (day/month/year) 29 MARCH 2002 (29.03.2002)
International Patent Classification (IPC) or national classification and IPC IPC7 C07C 303/08, C07C 303/28		
Applicant LG HOUSEHOLD & HEALTH CARE LTD. et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 3 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 27 OCTOBER 2003 (27.10.2003)	Date of completion of this report 19 JULY 2004 (19.07.2004)
Name and mailing address of the IPEA/KR  Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer KIM, YONG Telephone No. 82-42-481-8148 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/KR2003/000633

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☐ the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement) under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language English which is

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☒ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide** and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheet _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed." and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item I and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION

International application No.

PCT/KR2003/000633

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-13	YES
	Claims		NO
Inventive step (IS)	Claims	1-13	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Reference is made to the following documents:

D1: US 3960782 (01 June 1976)
D2: US 4695395 (22 September 1987)
D3: JP 5-125014 (21 May 1993)

1. Novelty and Inventive Step

The present invention relates to a method for preparing monoglyceride sulfonate, a salt-containing soft soap, and a soap composition containing said monoglyceride sulfonate.
D1 to D3, which are considered to represent the most relevant state of the art, disclose shampoo or cleaning composition.

1.1. Concerning Claims 1-4 and 10-13

Although the prior art document D1 discloses method for preparing monoglyceride sulfonate, the method of the present invention is different from that of the document D1 in that in the process of the present invention, sodium 3-chloro-2-hydroxypropane sulfonate reacts with a fatty acid in a substitution reaction, whereas in the process of D1, sodium 2,3-dihydroxy-1-propane sulfonate reacts with the fatty acid in an esterification reaction.

Moreover, since in the process of the present invention, a sodium salt of the fatty acid as a nucleophile reacts with and sodium 3-chloro-2-hydroxypropansulfonate as a electrophile, the salt-containing reaction mixture was produced.

Thus, claims 1 to 4 are considered to be novel and to involve an inventive step under PCT Article 33(2) and 33(3). Since the method for preparing the salt-containing soft soap of claims 10 to 13 is characterized by the inventive method of claims 1 to 4, the method of this claim is also considered to be novel and to involve an inventive step under PCT Article 33(2) and 33(3).

1.2. Concerning Claims 5-9

In the prior art document D1, the shampoo composition comprises 8% to 22% of the fatty acid monoglyceride sulfonate, urea, guanidine and dodecyl alcohol, in D2, the cleaning composition consist essentially of 30% to 70% alkali metal fatty acid soap, sodium isethionate, C₁₂-C₁₈ free fatty acid and 5% to 45% sodium C₅-C₁₈ acyl isethionate, in D3, the surfactant containing the succinic acid monoglyceride sulfonate is disclosed.

Whereas, in the present invention, the soft soap composition comprises 50 to 90 parts by weight of a mixture of fatty acid monoglyceride sulfonate (formula 1) which contains more than 60 wt% of lauric acid and myristic acid, 1 to 12 parts by weight of a fatty acid and a binder.

Moreover, the composition of the present invention has superior workability and physical properties, compared to those of compositions of the prior documents D1 to D3.

Consequently, the subject matter of the present claims 1-13 is considered to be novel and to involve an inventive step under PCT Article 33(2) and 33(3).

2. Industrial Applicability

There is no reason for denying industrial applicability of this invention. Consequently, claims 1-13 appear to meet the requirement of PCT Article 33(4).